

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

R.M. PROVINO,
Plaintiff,

versus

DAVID G. SUISSE,
Defendant.

CASE NO. 1:21-CV-143

MEMORANDUM ORDER ADOPTING REPORT AND OF DISMISSAL

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration and recommended disposition. On July 28, 2021, the magistrate judge issued his Report and Recommendation (#3). Judge Giblin recommended that the Court *sua sponte* dismiss Plaintiff's complaint as frivolous. The Clerk sent a copy of the Report to the plaintiff via certified mail, but it was returned as unclaimed (#4). Plaintiff has not filed objections to the Report.

In accordance with 28 United States Code § 636(b), the Court conducted a *de novo* review of the magistrate judge's findings, the record, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted.

It is therefore ORDERED that the Report and Recommendation (#3) is ADOPTED. The Court further ORDERS that Plaintiff's claims are DISMISSED, in their entirety, with prejudice.

because they are wholly frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 33 (1992). The Clerk is directed to CLOSE this case. All pending motions are TERMINATED as moot.

SIGNED at Beaumont, Texas, this 24th day of August, 2021.



Marcia A. CRONE
UNITED STATES DISTRICT JUDGE